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OFFICE OF PETITIONS

ON PETITION

In re Application of
Moises Calderon
Application No. 10/768,728
Filed: January 29, 2004
Attorney Docket No. None

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This is a decision in response to the petition, filed December 11, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

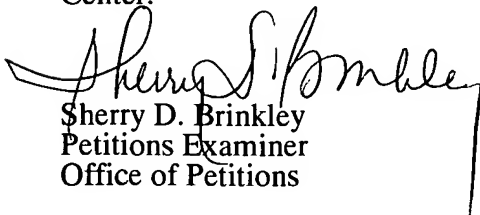
The application became abandoned for a failure to reply in a timely manner to an Office action mailed May 22, 2007. A Notice of Abandonment was mailed on December 5, 2007. In response, on December 11, 2007, the present petition was filed, along with an amendment and a 3-month petition for extension of time.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$770.00; and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or within the response period set by statute. In no case, however, may an applicant respond later than the maximum time period set by statute. The extension of time submitted December 11, 2007 was filed when the provisions of 37 CFR 1.136 could no longer be used. Therefore, this application became abandoned when the unextended time for response had expired, i.e., August 23, 2007. Since no extension of time fees are due on a petition for revival, the \$525 extension fees submitted after abandonment are being credited to counsel's deposit account.

The application is being referred to Technology Center AU 3762 for consideration of the amendment filed December 11, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions